

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DARRELL JIBRIL HEIZMAN,
Plaintiff

v.

DAUPHIN COUNTY PRISON, et al.,
Defendants

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No. 1:20-cv-01565

(Judge Kane)

ORDER

AND NOW, on this 23rd day of September 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 12) is **GRANTED**;
2. Plaintiff's claims against Defendant Cuffaro are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted;
3. Plaintiff's claims against Defendant Dauphin County Prison are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted;
4. Plaintiff's motion to rebuke (Doc. No. 14) the motion to dismiss is **DENIED**.
5. Within thirty (30) days of the date of this Order, Plaintiff may file an amended complaint that corrects the deficiencies identified in the accompanying Memorandum as to Plaintiff's claims against Defendant Cuffaro;
6. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
7. If Plaintiff fails to file an amended complaint within thirty (30) days of the date of this Order, the action is subject to dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania